

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Cedric V. Lewis,)	C/A No.: 6:07-cv-2963-GRA
)	
Plaintiff,)	
)	
v.)	ORDER
)	(Written Opinion)
United States Postal Service; Jack Potter,)	
Postmaster General; Patricia Sullivan,)	
Postmaster, Greenville, South Carolina,)	
)	
Defendants.)	
_____)	

This matter comes before the Court for a review of the magistrate's Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(A) and Local Rule 73.02(B)(2)(e), D.S.C., filed on December 23, 2008. The plaintiff originally filed his complaint with the assistance of counsel on August 28, 2007, alleging that the defendants discriminated against him because of his race and disability. The magistrate recommends dismissing this claim without prejudice because the plaintiff failed to file a memorandum in support of the propriety of the service in the case. The magistrate believes that service was not proper. For the reasons stated herein, this Court adopts the magistrate's Report and Recommendation in its entirety.

The magistrate makes only a recommendation to this Court. The recommendation has no presumptive weight, and responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions

of the Report and Recommendation to which specific objection is made, and this Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court may also "receive further evidence or recommit the matter to the magistrate with instructions." *Id.* In the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198 (4th. Cir. 1983). The plaintiff did not file any objections.

After reviewing the Report and Recommendation, this Court finds that the magistrate applied sound legal principles to the facts of this case. Therefore, this Court adopts the magistrate's Report and Recommendation in its entirety.

IT IS THEREFORE SO ORDERED THAT the complaint be dismissed without prejudice.

IT IS SO ORDERED.



G. Ross Anderson, Jr.
United States District Judge

February 19, 2009
Anderson, South Carolina